



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
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PEP/NRM

Via FAX and ELECTRONIC MAIL MEMO

August 18, 2006

To: Assistant Secretary, Indian Affairs*

From: Team Leader, Natural Resources Management
Office of Environmental Policy and Compliance {Lead}

Subject: Review of **Proposed Alternative Conditions** for the **Post Falls Hydroelectric Project**, FERC No. 12606-000; Kootenai and Benewah Counties, Idaho, and Steven and Lincoln Counties, Washington **(ER 06/818)**

The Department has received **Proposed Alternative Conditions** from Avista Corporation (Avista) regarding the Bureau of Indian Affairs' (BIA's) section 4(e) conditions for the subject project. The proposed alternatives were received on August 17, 2006. The alternative conditions should be available on the FERC website at: <http://www.ferc.gov> using the e-Library link. The documents are also available on the Department of the Interior Intranet at: <http://www.myinterior.doi.net/oepc/index.html> (Click on Proposed Alternative Conditions and Prescriptions).

The Department must analyze alternatives and file modified conditions within 60 days of the close of the comment period on FERC's draft NEPA document for this proceeding [43 C.F.R. 45.72]. Please note the Department has also received requests for trial-type hearings from Avista relating to the BIA's section 4(e) conditions. Therefore, when analyzing alternatives and deciding whether to modify preliminary conditions, BIA must consider, among other evidence, any findings of fact issued by an ALJ under 43 C.F.R. 45.60 that relate to its preliminary conditions and prescriptions [43 C.F.R. 45.73(a)(3)].

Please review the proposed alternatives to your Bureau's preliminary section 4(e) conditions, as appropriate, and consult with the appropriate Solicitor's Office (**DIA: Chris Watson**, Telephone 202-208-4335; Fax 202-219-0559; and/or **Kim Owens**, Telephone 202-208-6240; Fax 202-219-0559).

This Office will issue a subsequent ER Notice, calling for modified conditions and prescriptions, when FERC issues its draft NEPA document for this proceeding.

The Department's previous reviews are under ERs 05/695, 06/60, and 06/494.

/s/ 8/18/06
Vijai N. Rai

cc: Assistant Secretaries
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